

**STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES
1272 Foster Avenue, Nix Building 3
Nashville, TN 37243**

Sunset Public Hearing Questions for
LICENSING STANDARDS COMMITTEES
Created by Section 37-5-516, *Tennessee Code Annotated*
(Sunset termination June 2011)

- 1. Provide a brief introduction to the committee, including information about its purpose, statutory duties and staff.**

The Licensing Standards Committee is an entity established under TCA 37-5-516 for the purpose of reviewing existing rules, proposing revisions or making recommendation to the Commissioner of the Department of Children's Services regarding the establishment of new rules to be applied in the regulation of each class of licensed entities falling within the purview of the Tennessee Department of Children's Services Licensing Division.

The committee is comprised of sixteen (16) core members, including four (4) members from each grand division, as well as four (4) at-large members. The committee also includes various staff from the Tennessee Department of Children's Services, as well as additional representatives from the various classes of licensed entities.

- 2. Provide a list of the committee members and describe how membership complies with Section 37-5-516, *Tennessee Code Annotated*. What criteria were used in selecting the members? Is at least one member of the committee 60 years of age or older and one member a member of a racial minority as required by statute?**

The last Licensing Standards Committee was convened and met on four separate occasions in Nashville in September, November and December of 2006. The activities of this committee were reviewed by Sunset Public Hearing in May, 2007. A list of all committee members is attached for your reference. Several committee members and participants were members of a racial minority, and at least one member of the committee was over 60 years of age (as denoted on list). Committee members are selected based on prior participation, subject matter expertise and on recommendations from a variety of sources. Each committee member served strictly on a volunteer basis

The next Licensing Standards Committee will convene beginning in October, 2010 and we will again ensure that all statutory requirements are met regarding diversity of representation. A list of those committee members, once established, can be furnished to the Joint Government Operations Committee upon request.

3. **The committee is, by statute, responsible for developing and recommending to the commissioner standards and regulations for any new class of child care agency. How is it determined if a class of child care agency is “new?” Who makes the determination? When the determination is made, how and by whom is standards and regulations development started? What was the last class of agency requiring the development of standards?**

The establishment of a new class of child care agency is proposed if there is an existing entity providing child care services as defined by statute, and clearly not exempted from regulation under statutory definitions, whose operations cannot be adequately assessed and regulated under existing rules.

The most recent example was the proposal of a set of standards applicable to “Wilderness” style residential programs within the state. At the time the proposal was made, there were four (4) wilderness-style programs operating in Tennessee. The programs were regulated under existing rules for Residential Child Care Agencies (RCCA); however, because the youth served by these programs were housed in non-traditional settings, many of the requirements under existing RCCA rules differed greatly from the actual environment in which these programs operated. Therefore a proposal was made for a set of standards specific to these programs, and a set of rules was developed by the Licensing Standards Committee in 2006.

Any concerned citizen including, but not limited to, children’s advocacy representatives, judicial and legislative representatives, staff from regulated entities, state employees or community representatives, can introduce a proposal for a new class of licensing standards to the Department of Children’s Services’ Commissioner or Licensing Division. These proposals will then be introduced as the next Licensing Standards Committee is convened and the committee will vote as to whether to take up the development of the newly proposed class of standards.

At this time, no new class of standards has been proposed ahead of the next Licensing Standards Committee.

4. **The committee is also required by statute to review the standards and regulations of each existing class of child care agency every four years “or more frequently as the commissioner may direct.” Please list all classes of existing child care agencies and the last time the standards and regulations of each were reviewed.**

Family Boarding Homes/Group Care Homes	Fall, 2006
Residential Child Care Agencies	Fall, 2006
Maternity Homes	Fall, 2006
Runaway Homes	Fall, 2006
Child Placing Agencies	Fall, 2006
Child Abuse Prevention Agencies	Fall, 2006
Juvenile Detention Facilities	Fall, 2006
Temporary Holding Resources	Fall, 2006
Wilderness Programs (New)	Fall, 2006

- 5. Statute specifies that the committee shall “cease to exist upon submitting its recommendations to the commissioner, but may be re-established by the commissioner at any time to further review its recommendations or to consider additional standards or regulations or to consider revisions to the standards or regulations.” Does the committee retain the same membership each time it is “re-established” or does membership change?**

Generally, membership within the committee changes each time it is re-established, although there will inevitably be some members who “carry over” from one committee to the next. In choosing committee members, the department reaches out to representatives from Child Advocacy Groups, members of the legislature, the Administrative Offices of the Court, academics in related fields and representatives from those entities regulated by the rules currently under consideration. In so doing, we seek to establish a committee that is sufficiently diverse in its representation to foster a healthy debate and to therefore preclude the establishment of any arbitrary regulations. We feel that, while actual membership may change, the ideals and values represented from among each of these areas remains constant.

- 6. How many times has the committee met during fiscal years 2009 and 2010, and how many members were present at each meeting?**

The committee did not meet in fiscal years 2009 or 2010. The next committee will convene in Fall of 2010.

- 7. What per diem or travel reimbursement do members receive? How much was paid to committee members during fiscal years 2009 and 2010?**

Committee members are reimbursed for travel at the current state rate at the time the committee convenes. This includes reimbursement for mileage, accommodations and established per diems. Expenses are submitted to the department by voucher and reimbursed according to DCS fiscal policy. No expenses were accrued by committee members during fiscal years 2009 or 2010.

- 8. What were the committee’s revenues (by source) and expenditures (by object) for fiscal years 2009 and 2010?**

No expenses were accrued by committee members during fiscal years 2009 or 2010.

- 9. How does the committee ensure that it is operating in an impartial manner and that there is no conflict of interest?**

Every rule in each licensing class is reviewed by the committee members. During this review process, Opportunities are provided so that comments may be made by committee members regarding existing rules, or proposals made regarding the addition of new rules. Each revision and proposal is put to the question among the committee members and a consensus is reached before proceeding. Those revisions/proposals for which no consensus may be immediately reached, or for which additional research is required, are temporarily tabled pending further discussion and addressed at a later time. The rules are not subject in any way to DCS internal policies, and the diversity of representation among committee members ensures a balanced discussion on each standard, and the impartiality of the Licensing Standards Committee as a whole.

- 10. Is the committee subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of its meetings and making its minutes available to the public?**

The Licensing Standards Committees are subject to Sunshine law requirements. The public is informed of the meetings through press releases. Minutes are available through the DCS Licensing Office. All notices, minutes, lists of committee members and related expenditures for the upcoming 2010 Licensing Standards Committee can be forwarded for review by the Government Operations Committee upon request.

- 11. Describe any items related to the committee that require legislative attention and your proposed legislative changes.**

Currently there are no proposed legislative changes arising from review of existing standards. If the upcoming Licensing Standards Committee meetings do yield any such proposals, these will be submitted for consideration following review by our general counsel and Commissioner.

- 12. Should the committee be continued? To what extent and in what ways would the absence of the committee endanger the public health, safety or welfare?**

The committee should absolutely be continued. While the Department of Children's Services administers the rules in regulation of these licensed entities, it is extremely important that an autonomous, impartial body be responsible for the development and revision of these rules. There is a such a disparity among programs in each class (and across the various classes) in terms of size, populations served, scope of services provided, contractual relationships with the department, etc. that only by convening such a body can fair and impartial rules be developed without any conflict of interest, real or perceived. The development of impartial rules in turn provides standardization in the application of those rules and integrity in the regulation of the licensed agencies to which they apply.

- 13. Please list all committee programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.**

[Federal financial assistance includes:

- (1) Grants and loans of Federal funds,**
- (2) The grant or donation of Federal Property and interests in property,**
- (3) The detail of Federal personnel,**
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and**
- (5) Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.**

28 C.F.R. Sec. 42.102(c)]

[The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

28 C.F.R. Sec. 42.102(f)]

If the committee does receive federal assistance, please answer questions 14 through 21. If the committee does not receive federal assistance, proceed directly to question 20.

14. Does your committee prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

While the committee does not receive direct federal funding specific to its activities, all committee activities are coordinated by the Tennessee Department of Children's Services, Division of Licensing. The Tennessee Department of Children's Services does prepare a Title VI plan.

15. Does your committee have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

Steven Hovies, Director
Division of Diversity Initiatives
Tennessee Department of Children's Services
(615) 253-0040

16. To which state or federal agency (if any) does your committee report concerning Title VI? Please describe the information your committee submits to the state or federal government and/or provide a copy of the most recent report submitted.

The Tennessee Department of Children's Services files the Title VI Plan with the Tennessee State Comptroller's Office. Compliance is administered through the Federal Office of Civil Rights

17. Describe your committee's actions to ensure that committee staff and clients/program participants understand the requirements of Title VI.

Committee members will be informed that all existing and proposed standards must be compliant with Title VI requirements. Title VI information will be distributed at all standards committee meetings.

- 18. Describe your committee's actions to ensure it is meeting Title VI requirements. Specifically, describe any committee monitoring or tracking activities related to Title VI, and how frequently these activities occur.**

All standards revisions will be submitted for compliance review to the department's Title VI coordinator prior to registration.

- 19. Please describe the committee's procedures for handling Title VI complaints. Has your committee received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).**

Procedures for handling Title VI complaints are noted within the Tennessee Department of Children's Services Title VI Plan. No Title VI-related complaints related to the Licensing Standards Committee have been received since the committee was last convened in 2006.

- 20. Please provide a breakdown of current committee staff by title, ethnicity, and gender.**

Please see attached for a list of the 2006 committee members. A list of the 2010 committee members will be furnished for review, once established, upon request.

- 21. Please list all committee contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.**

No individual contracts were established in the execution of the Licensing Standards Committee's activities. It is anticipated that this will likewise be the case for the 2010 committee.

**STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES**

2006 Licensing Standards Committee Roster

Deborah Stafford, Juvenile Justice Coordinator	TN Commission on Children and Youth	AA
Ed Swilling, Youth Services Officer	Union County Juvenile Court	W
Dorothy Williams, Associate Professor, SW*	University of Tennessee, Chattanooga	AA
Phillip McKenzie, Facilities Compliance Monitor	TN Commission on Children and Youth	W
Keith Jones, Youth Services Officer	Weakley County Juvenile Court	W
Cindy Medlin, Youth Services Officer	Madison County Juvenile Court	W
Patricia Wade, Director CPORT	TN Commission on Children and Youth	W
Yoland Hockett, Asst. Superintendent of Programs	Davidson County Juvenile Court	AA
John Adams, Lieutenant	Blount County Juvenile Detention Center	W
Steven Wayman, Director	Sevier County Juvenile Detention Center	W
Patti Orten, Assistant Director	Tn Voices for Children	W
Harold Morphew, Director	Putnam County Juvenile Detention Center	W
Pick Powell, Deputy Administrator	Shelby County Youth Services Bureau	W
Sheila Simpson, Director	Bradley County Juvenile Detention Center	AA
Kathy Joyner, Director	Omnivisions	W
Richard Petsch, Director	Wear's Valley Ranch	W
Jamie Steele, Assistant Director	Freewill Baptist Ministries	W
Richard Wentworth, Director	Eckerd Youth Alternatives	W
Ericka King, Assistant Director	McDowell Center	AA
Donna Thomas, Director	Catholic Charities Memphis	W
Kay Montgomery	Union University	W
Candi Wood, Assistant Director	Agape, Inc	W
Dean Porterfield, Director	Three Springs, Inc	W

* Dr. Williams meets the statutory requirement of 60+ years of age